

## SUBCHAPTER K—ENVIRONMENTAL REGULATIONS

### PART 775—NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES

#### Sec.

- 775.1 Purpose.
- 775.2 Policy.
- 775.3 Responsibilities.
- 775.4 Definitions.
- 775.5 Classes of actions.
- 775.6 Categorical exclusions.
- 775.7 Planning and early coordination.
- 775.8 Environmental evaluation guidelines.
- 775.9 Environmental evaluation process.
- 775.10 Environmental assessments.
- 775.11 Environmental impact statements.
- 775.12 Time frames for environmental impact statement actions.
- 775.13 Public notice and information.
- 775.14 Hearings.

AUTHORITY: 39 U.S.C. 401; 42 U.S.C.4321 *et seq.*; 40 CFR 1500.4.

SOURCE: 44 FR 63525, Nov. 5, 1979, unless otherwise noted.

#### § 775.1 Purpose.

These procedures implement the National Environmental Policy Act (NEPA) regulations (40 CFR part 1500) issued by the Council on Environmental Quality (CEQ).

[63 FR 45719, Aug. 27, 1998]

#### § 775.2 Policy.

It is the policy of the Postal Service to:

- (a) Interpret and administer applicable policies, regulations, and public laws of the United States in accordance with the policies set forth in the National Environmental Policy Act, as amended, and the NEPA Regulations.
- (b) Make the NEPA process useful to Postal Service decision makers and the public.
- (c) Emphasize environmental issues and alternatives in the consideration of proposed actions.
- (d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.
- (e) Use the NEPA process to identify and assess reasonable alternatives to proposed actions in order to avoid or minimize adverse effects on the environment.

(f) Use all practicable means to protect, restore, and enhance the quality of the human environment.

(g) Reduce paperwork.

(h) Reduce delay.

#### § 775.3 Responsibilities.

(a) The Chief Environmental Officer is responsible for overall development of policy regarding NEPA and other environmental policies. The officer in charge of the facilities or real estate organization is responsible for the development of NEPA policy as it affects real estate or acquisition, construction and disposal of postal facilities consistent with overall NEPA policy. Each officer with responsibility over the proposed program, project, action, or facility is responsible for compliance with NEPA as the responsible official.

(b) Postal managers will designate environmental coordinators to assist with compliance with NEPA procedures.

[63 FR 45719, Aug. 27, 1998]

#### § 775.4 Definitions.

(a) The definitions set forth in 40 CFR part 1508 apply to this part 775.

(b) In addition to the terms defined in 40 CFR part 1508, the following definitions apply to this part:

*Approving official* means the person or group of persons, who authorizes funding as established through the delegations of approval authority issued by the finance organization. That person or group of persons may not have proposed the action for which financial approval is sought.

*Environmental checklist* means a Postal Service form that identifies potential environmental impacts for proposed actions initiated by postal managers.

*Mitigated FONSI* means a FONSI which requires the implementation of specified mitigation measures in order to ensure that there are no significant impacts to the environment.

*Record of environmental consideration* means the Postal Service form that identifies the Postal Service's review of proposed activities under NEPA.

## § 775.5

*Responsible official* means the person, or designated representative, who proposes an action and is responsible for compliance with NEPA. For larger projects, that person may not have the financial authority to approve such action. The responsible official signs the NEPA documents (FONSI, ROD) and the REC.

[63 FR 45719, Aug. 27, 1998]

### § 775.5 Classes of actions.

(a) *Actions which normally require an environment impact statement.* None, however the Postal Service will prepare an EIS when necessary based on the factors identified in 40 CFR 1508.27.

(b) *Actions requiring an environmental assessment.* Classes of actions that will require an environmental assessment unless categorically excluded include:

(1) Any project that includes the conversion, purchase, or any other alteration of the fuel source for 25 percent or more of USPS vehicles operating with fuel other than diesel or gasoline in any carbon monoxide or ozone non-attainment area;

(2) Any action that would adversely affect a federally listed threatened or endangered species or its habitat;

(3) Any action that would directly affect public health;

(4) Any action that would require development within park lands, or be located in close proximity to a wild or scenic river or other ecologically critical area;

(5) Any action affecting the quality of the physical environment that would be scientifically highly controversial;

(6) Any action that may have highly uncertain or unknown risks on the human environment;

(7) Any action that threatens a violation of applicable federal, state, or local law or requirements imposed for the protection of the environment;

(8) New construction of a facility with vehicle maintenance or fuel dispensing capabilities, whether owned or leased;

(9) Acquisition or lease of an existing building involving new uses or a change in use to a greater environmental intensity;

(10) Real property disposal involving a known change in use to a greater environmental intensity;

## 39 CFR Ch. I (7–1–14 Edition)

(11) Postal facility function changes involving new uses of greater environmental intensity;

(12) Reduction in force involving more than 1000 positions;

(13) Relocation of 300 or more employees more than 50 miles;

(14) Initiation of legislation.

[63 FR 45719, Aug. 27, 1998]

### § 775.6 Categorical exclusions.

(a) The classes of actions in this section are those that the Postal Service has determined do not individually or cumulatively have a significant impact on the human environment. To be categorically excluded, it must be determined that a proposed action fits within a class listed and there are no extraordinary circumstances that may affect the significance of the proposal. The action must not be connected to other actions with potentially significant impacts or is not related to other proposed actions with potentially significant impacts. Extraordinary circumstances are those unique situations presented by specific proposals, such as scientific controversy about the environmental impacts of the proposal, uncertain effects or effects involving unique or unknown risks.

(b) Categorical exclusions relating to general agency actions:

(1) Policy development, planning and implementation that relate to routine activities such as personnel, organizational changes or similar administrative functions.

(2) Routine actions, including the management of programs or activities necessary to support the normal conduct of agency business, such as administrative, financial, operational and personnel action that involve no commitment of resources other than manpower and funding allocations.

(3) Award of contracts for technical support services, management and operation of a government owned facility, and personal services.

(4) Research activities and studies and routine data collection when such actions are clearly limited in context and intensity.

(5) Educational and informational programs and activities.